

COMMONWEALTH OF MASSACHUSETTS

Department of Telecommunications and Cable

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August 30, 2017

Mark P. Sutliff
Assistant Attorney General
Government Bureau, Trial Division
Office of the Attorney General
One Ashburton Place, Room 1813
Boston, MA 02108

Re: *In re Annual Returns Investigation*, D.T.C. 16-AR
Referral for Enforcement Action Pursuant to G.L. c. 159, § 39

Dear Assistant Attorney General Sutliff:

The Department of Telecommunications and Cable ("Department") requests the assistance of the Office of the Attorney General ("OAG") in enforcing the enclosed Final Order the Department issued on August 1, 2017. The Department has found 13 telecommunications carriers to be in violation of the statutory requirement to file an annual return with the Department. *See* G.L. c. 159, § 32; G.L. c. 166, § 11. The Department has imposed statutory forfeitures totaling \$414,700 against these 13 carriers. *See* G.L. c. 166, § 12.

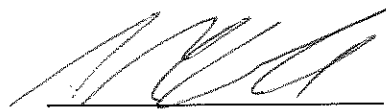
The Commonwealth requires telecommunications carriers to file annual returns with the Department for each calendar year. G.L. c. 159, § 32; G.L. c. 166, § 11. If a carrier "doing business in the [C]ommonwealth" fails to file an annual return by March 31 or at a later date fixed for good cause by the Department, the carrier is subject to statutory forfeitures. G.L. c. 166, §§ 11, 12. Upon finding that a carrier has failed to file an annual return, the Department refers the matter to the OAG for enforcement. *See* G.L. c. 159, § 39.

On February 3, 2016, the Department opened an investigation into certain carriers' failure to file annual returns for calendar years 2012 or 2013.¹ As a result of its investigation, the Department made adverse findings against the 13 carriers named on page A-2 of Appendix A of the enclosed Final Order. The Department determined that each of the 13 carriers failed to file an annual return(s) for a specific calendar year(s) in which it was doing business in the Commonwealth. The Department now refers its findings against these carriers to the OAG for enforcement in accordance with G.L. c. 159, § 39. Specifically, the Department seeks the

¹ The Department's investigation included carriers other than the 13 subject to this referral, but the Department determined that such other carriers are not subject to statutory forfeitures.

OAG's assistance in enforcing compliance with the annual returns filing requirement as well as collection of the statutory forfeitures assessed. Please contact me if you have any questions regarding this referral or need any additional information. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'SMC', is written over a horizontal line.

Sean M. Carroll
Deputy General Counsel

Enc.

cc: Karen Charles Peterson, Commissioner
Sandra Merrick, General Counsel